

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

REGIONS ASSET COMPANY, REGIONS
FINANCIAL CORPORATION and
REGIONS BANK

Plaintiffs,

v.

REGIONS UNIVERSITY, INC.

Defendant.

Civil Action No. 2:06-cv-882-MHT

**RESPONSE TO DEFENDANT'S MOTION FOR LEAVE
TO FILE A REPLY BRIEF TO PLAINTIFFS' OPPOSITION TO
DEFENDANT'S MOTION TO STRIKE THE DECLARATION OF JIM JAGER**

Plaintiffs, Regions Asset Company, Regions Financial Corporation, and Regions Bank ("Regions"), hereby respond to Defendant's Motion for Leave to File a Reply Brief to Plaintiffs' Opposition to Defendant's Motion to Strike the Declaration of Jim Jager (Doc. 121).

BACKGROUND

Since the deadline for dispositive motions on July 17, 2007, Defendant has filed three motions accompanied by nearly 160 pages of briefing. On August 24, 2007, Defendant filed a motion to strike the declaration of Jim Jager, a market researcher who has conducted non-litigation market studies for Regions for nearly 17 years. The erroneous grounds for Defendant's motion to strike Mr. Jager's declaration were fully explained in Defendant's moving papers. Regions opposed Defendant's motion to strike the Jager Declaration on September 5, 2007. Now, without any basis, Defendant seeks to submit yet additional briefing on this issue in the form of a reply brief. Defendant should not be permitted to burden this Court with further paper on a fully briefed issue. Defendant's motion should be denied.

ARGUMENT

Defendant Has Not Shown Any Need for Additional Briefing

On September 7, 2007 – two days after Regions filed its opposition to the motion to strike – Defendant asked this Court for leave to file a reply brief. Defendant made no effort to confer with counsel for Regions in advance of filing this motion. Even more surprising, however, Defendant failed to explain in its motion why it believes additional briefing is warranted. Indeed, Defendant's motion for leave consists of one sentence and offers no support for the requested relief.

Defendant should not be permitted to submit additional briefing on this issue. Neither the Local Rules of this Court nor the Uniform Scheduling Order provide for the filing of reply briefs and Defendant has not demonstrated any cause, let alone good cause, for filing additional papers on this limited issue. This Court has been inundated with significant briefing on a host of issues – including the fact Regions was not obligated to disclose Mr. Jager as an expert. Nevertheless, Defendant seeks to have the last word on this issue through the filing of a brief not permitted by this Court.

The Court should deny Defendant's motion for leave to file a reply brief. Should the Court grant Defendant's motion, however, Regions respectfully requests the opportunity to file a surreply brief in response to Defendant's reply brief.

CONCLUSION

For all of the foregoing reasons, Defendant's Motion for Leave to File a Reply Brief to Plaintiffs' Opposition to Defendant's Motion to Strike the Declaration of Jim Jager should be denied.

Respectfully submitted this the 11th day of September, 2007.

/s/ William G. Pecau

One of the Attorneys for Plaintiffs Regions Asset
Company, Regions Financial Company and Regions
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and service will be perfected upon any CM/ECF participants electronically and I have mailed by United States Postal Service a copy of the foregoing document to any non-CM/ECF participants this the 11th day of September, 2007:

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/s/ William G. Pecau
Of Counsel